

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

WILLIAM WISE MURRAY,

Petitioner,

v.

**Civil Action No. 2:05 CV 96
(Maxwell)**

JOYCE FRANCIS, Warden,

Respondent.

ORDER

It will be recalled that, by Order entered October 15, 2007 (See Docket No. 72), the Court granted a Motion For Leave To Proceed On Appeal *In Forma Pauperis* filed by the Petitioner in the above-styled *habeas corpus* action on October 5, 2007 (See Docket No. 66) and Ordered that the Petitioner may proceed on appeal without prepayment of costs or fees pursuant to Rule 24(a) of the Federal Rules Of Appellate Procedure.

Thereafter, on October 22, 2007, a second Motion For Leave To Proceed On Appeal *In Forma Pauperis* was filed by the Petitioner in the above-styled *habeas corpus* action (See Docket No. 75).

In light of the fact that the Petitioner has already been granted leave to proceed on appeal without prepayment of costs and fees pursuant to the Court's October 15, 2007, Order, it is

ORDERED that the Petitioner's second Motion For Leave To Proceed On Appeal *In Forma Pauperis* (Docket No. 75) be, and the same is hereby, **DENIED as moot**. It is further

ORDERED that the Clerk of Court shall transmit a copy of this Order to the *pro se* Petitioner; to counsel of record; and to the United States Court of Appeals for the Fourth Circuit.

ENTER: December 4, 2007

/S/ Robert E. Maxwell

United States District Judge